

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

ESAU REDIX,	)	Case No.: 1:20-cv-01647-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER DIRECTING CLERK OF COURT TO
v.	)	RANDOMLY ASSIGN A DISTRICT JUDGE TO
	)	THIS ACTION
J. NAVARRO, et al.,	)	
	)	FINDINGS AND RECOMMENDATIONS
Defendants.	)	RECOMMENDING DISMISSAL OF CERTAIN
	)	CLAIMS
	)	
	)	(ECF Nos. 8, 9)
	)	

Plaintiff Esau Redix is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 5, 2021, the undersigned screened Plaintiff's complaint and found that he stated cognizable excessive force claim against Defendants Navarro, Vera, Medina, Allison, and Higuera; a cognizable claim for sexual assault against Defendant Vera; a cognizable claim against Defendants Navarro and Allison for death threats; and a cognizable claim for deliberate indifference to his medical needs against Defendants Navarro, Gonzales, and Campos. (ECF No. 8.) However, Plaintiff was advised that he failed to state any other cognizable claims. (*Id.*) Therefore, Plaintiff was advised that he could file an amended complaint or a notice of intent to proceed on the claim found to be cognizable. (*Id.*)

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On February 3, 2021, Plaintiff notified the Court of his intent to proceed on the claims found to be cognizable. (ECF No. 9.) Accordingly, the Court will recommend that this action proceed on Plaintiff's excessive force claim against Defendants Navarro, Vera, Medina, Allison, and Higuera, sexual assault claim against Defendant Vera, death threats claim against Defendants Navarro and Allison for death threats, and deliberate indifference claim against Defendants Navarro, Gonzales, and Campos. Fed. R. Civ. P. 8(a); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007); Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010).

Accordingly, the Clerk of the Court is HEREBY DIRECTED to randomly assign a District Judge to this action.

Further, it is HEREBY RECOMMENDED that:

1. This action proceed against Defendants Navarro, Vera, Medina, Allison, and Higuera for excessive force, against Defendant Vera for sexual assault, against Defendants Navarro and Allison for death threats, and against Defendants Navarro, Gonzales, and Campos for deliberate indifference to Plaintiff's medical needs; and
2. All other claims be dismissed for failure to state a cognizable claim.

These Findings and Recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days** after being served with these Findings and Recommendations, Plaintiff may file written objections with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: February 4, 2021

  
UNITED STATES MAGISTRATE JUDGE

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